

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

DILIP JANA,

Plaintiff,

v.

WALMART INC.,

Defendant.

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Civil Action No. 4:24-cv-00698-SDJ-KPJ

**DEFENDANT’S SUPPLEMENT TO RESPONSE TO
PLAINTIFF’S MOTION TO RECONSIDER TO DENY
DEFENDANT’S MOTION TO EXTEND TIME TO
ANSWER**

Defendant Walmart Inc. (“Defendant”) files this Supplement to its Response to Plaintiff’s Motion to Reconsider to Deny Defendant’s Motion to Extend Time to Answer (“Response”), (Dkt. 14), as follows:

1. Defendant incorporates by reference its Response.
2. Plaintiff Dilip Jana (“Plaintiff”) has filed an Amended Complaint, (Dkt. 10), and a Second Amended Complaint, (Dkt. 13), even after the Court’s Memorandum Opinion and Order dated August 27, 2024, (Dkt. 9), extended Defendant’s deadline to appear until October 28, 2024.
3. Plaintiff’s Second Amended Complaint, (Dkt. 13), which itself was filed without appropriate leave of court, *see* FED. R. CIV. P. 12(a)(2), does not change Defendant’s deadline to appear or otherwise respond in this case. Defendant’s deadline to appear or otherwise respond in this case is October 28, 2024, which was its deadline to respond to Plaintiff’s original pleading, as ordered by the Court. *See* FED. R. CIV. P. 15(a)(3) (“Unless the court orders otherwise, any required

response to an amending pleading must be made within the **time remaining to respond to the original pleading** or within 14 days after service of the amended pleading, **whichever is later.**” (emphasis added)).

4. For the avoidance of doubt, Defendant will appear or otherwise respond in this case by October 28, 2024, which is the deadline set by the Court’s Memorandum Opinion and Order issued August 27, 2024. (Dkt. 9).

Dated: October 11, 2024

Respectfully submitted,

/s/ Peter S. Wahby

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**ATTORNEYS FOR DEFENDANT
WALMART INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon the following party via the Court's CM/ECF system on October 11, 2024:

Dilip Jana
800 Fairlawn Street
Allen, Texas 75002
janadilip@gmail.com

/s/ Morgan E. Jones

Morgan E. Jones